

BOARD OF DESIGN REVIEW MINUTES

January 11, 2001

CALL TO ORDER: Chairman Walter Lemon III called the meeting to order at 6:33 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive

ROLL CALL: Present were Chairman Walter Lemon III; Board Members Hal Beighley, Anissa Crane, Monty Edberg, Ronald Nardoza, Ashetra Prentice and Stewart Straus.

Development Services Manager Irish Bunnell, Senior Planner John Osterberg, Associate Planner Tyler Ryerson, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

VISITORS:

Chairman Lemon read the format for the meeting and asked if any member of the audience wished to address the Board on any non-agenda item. There was no response.

OLD BUSINESS:

CONTINUANCES:

Chairman Lemon opened the Public Hearing and read the format of the meeting. There were no disqualifications of Board Members. No one in the audience challenged the right of any Board Member to hear any agenda items or participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda.

A. BDR 2000-0148 -- TREASURE ISLAND CHINESE RESTAURANT TYPE 3 DESIGN REVIEW

(Continued from December 14, 2000)

This land use application has been submitted for Design Review approval for a new restaurant at 15930 SW Regatta Lane for the development of an approximately 5,587 square foot building, associated landscaping, parking and sidewalks. The development proposal is located on Assessor's Map 1S1-05BA, Tax Lot 1600, is zoned Office Commercial (OC) and is approximately 0.70 acres in size.

Associate Planner Tyler Ryerson noted that the applicant had requested a continuance until February 22, 2001.

Mr. Beighley **MOVED** and Mr. Straus **SECONDED** a motion that BDR 2000-0148 – Treasure Island Chinese Restaurant Type 3 Design Review be continued to a date certain of February 22, 2001.

Motion **CARRIED**, unanimously.

B. BDR 2000-0048 -- "THE HOOP" MODIFICATION OF CONDITIONS OF APPROVAL TYPE 3 DESIGN REVIEW

(Continued from December 14, 2000)

This land use application has been submitted for approval to modify Condition of Approval No. 20 of the original Design Review application (BDR 96-0010), in which the Planning Director set a specific minimum parking space requirement intended to accommodate the customers and employees of "The Hoop" facility, as approved in 1996. The applicant now proposes to have additional recreation uses at "The Hoop", including dances, and proposes modification of this condition in order to be consistent with the proposed recreation uses. The site is located at 9685 SW Harvest Court, and is located on Assessor's Map 1S1-14CD, Tax Lot 200. The site is zoned Campus Industrial (CI) and is approximately 5.16 acres in size.

Senior Planner John Osterberg summarized the previous Public Hearing on December 14, 2000 regarding this application, at which time testimony and rebuttal, from both the applicant and the public, were accepted. He noted that at that time, the Board had directed the applicant to prepare recommended Conditions of Approval for submittal to the Board and those citizens who had attended the Public Hearing. Written testimony was to then be received from the public, as well as a final written rebuttal from the applicant, all of which was to have been mailed to the Board. Observing that the rebuttal is concluded, he noted that the intent is for the Public Hearing to be opened tonight for the purpose of allowing the Board to ask any final questions for the applicant and staff. He submitted and described a Memorandum dated January 11, 2001, describing the recommendation by staff for the replacement of the last sentence of Condition of Approval No. 1(a) from the Staff Report dated December 7, 2000, with other text. Concluding, he recommended that the Public Hearing be opened and that final deliberations be conducted.

Development Services Manager Irish Bunnell explained that the suggested change to Condition of Approval No. 1(a) is rather open ended in order to allow some flexibility for future proposals.

Chairman Lemon questioned how many members were available for the December 14 hearing, noting that while four members are familiar with the application, he was not present and would have to disqualify himself from voting

on this issue, adding that the two new members are in a similar position. He observed that his understanding is that the applicant is requesting a modification of their Conditions of Approval.

Mr. Osterberg commented that the applicant had requested that a certain range of recreational uses or activities be added to the existing approved activity at *The Hoop*, adding that the current use only authorizes basketball. He noted that because they had received assurance that adequate parking would be available on the site, staff is recommending that dances only be added to the allowed uses.

Chairman Lemon pointed out that there appears to be no limitation imposed on the number of dances to be allowed at the facility.

Mr. Osterberg advised Mr. Lemon that staff is not recommending any limitation on the number of dances at the facility.

Chairman Lemon requested clarification that the purpose of the continuation of this Public Hearing is to allow the Board of Design Review to review the letters received from the public, the response from the applicant and the Memorandum from staff, at which time the modifications would be approved or denied.

Mr. Osterberg advised Chairman Lemon that the primary purpose of the continuance had been to allow the applicant the opportunity to return with some recommended Conditions of Approval to resolve issues that had been discussed.

Chairman Lemon requested clarification that no further testimony would be accepted from either the applicant or the public.

Mr. Naemura explained that his understanding is that while the applicant would have the opportunity to present some rebuttal aspects of the application, the opportunity for public testimony is no longer available.

On question, Mr. Osterberg advised Chairman Lemon that the Public Hearing had been continued during the applicant's rebuttal testimony.

Chairman. Lemon requested clarification specifically of whether there had been any statement indicating that the Public Hearing had actually been closed on December 14, 2000.

Mr. Straus commented that it is necessary to review the motion that had been made and approved for the conclusion of the Public Hearing at that time. He pointed out that the purpose of the continuation had been to allow the applicant to provide a proposal for methodology to evaluate the impact of sound from *The Hoop* based on the City of Beaverton's Development Code requirements, addressing both qualitative and quantitative criterion expressed by the neighbors at the Public Hearing.

Chairman Lemon referred to page 8 of 9 of the minutes of the meeting of December 14, 2000, which specifically states that the Public Hearing was closed.

Mr. Straus reiterated that the purpose of the continuance had been to address the concerns regarding the noise, adding that he is having difficulty understanding whether the applicant had provided all of the requested documentation.

Mr. Osterberg described the process providing for the submittal of the applicant's rebuttal and other testimony and materials that were submitted during the intervening period of time since December 14, 2000.

Chairman Lemon referred to a letter dated December 15, 2000, from *Black Helterline Law Offices*, in which the noise was perceived to be the main problem. He expressed concern that he had found no initial proposal from the applicant, although he had located a revised proposal dated January 5, 2001. Observing that the applicant had been instructed to submit a revised proposal toward the end of December 2000, at which time it would be forwarded to the members of the public who had testified at the Public Hearing for their response by December 28, 2000. The applicant was to submit a final recommendation by January 5, 2001. He expressed his opinion that rather than responding to any particular recommendation or proposals, the letters of concern received from the public all appear to be rehashing issues from the initial hearing. He pointed out that the letter from *Black Helterline Law Offices* supposedly responds to the neighbors' written commentary, which was intended to be in response to the applicant's initial recommendation for addressing the problem. He noted that the letter from *Black Helterline Law Offices* basically indicates confirmation of the procedure, although he had still not located the initial proposal to which the neighbors were expected to respond.

Mr. Osterberg commented that staff is not certain whether the Board has received the applicant's final revised letter dated December 21, 2000, from *Black Helterline Law Offices*, indicating that staff would make copies of this letter for distribution at this time.

Chairman Lemon emphasized that this information needs to be available to all concerned in a timely manner allowing for adequate review and understanding of the materials.

Mr. Osterberg observed that the letter from *Black Helterline Law Offices*, dated December 21, 2000, represents the applicant's final rebuttal.

Mr. Straus stated that this letter had apparently been distributed to the neighbors who testified, but not to the members of the Board of Design Review, although several of the neighbors are indicating that they did not receive this letter either.

Mr. Naemura observed that while he is not included in the decision-making process and is unable to address the availability of these materials, the rules provide that if new evidence is submitted during the rebuttal, additional comment could be provided thereon. He pointed out that rather than an evidentiary submittal, this includes a portion of the applicant's rebuttal and should be approached in this manner.

Chairman Lemon noted that there is actually rebuttal from the applicant with regard to the letters from the public.

Mr. Naemura mentioned that while he was not present at the previous Public Hearing, his understanding is that in order to streamline the process, the applicant had been instructed to prepare a written rebuttal to the public comments.

Chairman Lemon referred to the letter from *Black Helterline Law Offices*, dated January 5, 2001, responding to three letters received from the neighbors, one of which is four pages in length, regarding the parking and lighting issues.

Ms. Crane expressed her opinion that the more recent letter would be more relevant.

Mr. Straus pointed out that the problem involves the time frame and agreement between all parties that the applicant would submit recommendations for Conditions of Approval or modification to staff's Conditions of Approval to be addressed. He further commented that this information was to have been submitted to staff for submittal to the neighbors, at which point the neighbors were to respond and staff was to prepare the final proposal by January 5, 2001. He suggested a recess to allow staff, the applicant and the neighbors to review the material in question, expressing his opinion that the Board should move onto another agenda item during that period of time.

Mr. Naemura commented that Mr. Straus' observations are both valid and accurate and that they embody a sense of what is available and what is lacking. He pointed out that staff agrees with his suggestion to allow everyone concerned to review the materials, adding that the applicant is amenable to continuing this Public Hearing to January 25, 2001 and that the 120-day deadline should be adjusted accordingly.

Ms. Crane expressed her opinion that several of the letters indicate that some of the materials in question had actually been received.

Mr. Straus **MOVED** and Mr. Edberg **SECONDED** a motion to continue BDR 2000-0048 -- "The Hoop" Modification of Conditions of Approval Type 3 Design Review, to a date certain of January 25, 2001.

Motion **CARRIED**, unanimously, with the exception of Chairman Lemon, Mr. Nardozza and Ms. Prentice, who abstained from voting on this issue.

7:20 p.m. – Mr. Bunnell and Mr. Naemura left.

NEW BUSINESS:

PUBLIC HEARINGS:

A. BDR 2000-0090 -- DAVIS OFFICE BUILDING TYPE 3 DESIGN REVIEW

This land use application has been submitted for approval to construct an approximately 8,000 square foot office building, associated parking and landscaping at 12220 and 12270 SW First Street. The development proposal is located on Assessor's Map 1S1-15BD, Tax Lots 2700 and 3000. The site is zoned Regional Center -- Old Town (RC-OT) and is approximately 0.50 acres in size.

Mr. Ryerson presented the Staff Report and presented the applicant's material board and a digital simulation of the proposed project which is located at 12220 and 12270 SW First Street and bounded by SW Betts Avenue and SW Tucker Avenue. He mentioned that the request is for a two-story approximately 8,000 square foot office building with associated parking and landscaping, adding that the main access point would be off of SW First Street, with an ingress on SW Tucker Avenue and an egress onto SW Betts Avenue. He described the material board, which includes three different tones of brick veneer, as well as a green shade of glazing, adding that the applicant should be providing a revised color of the windows. He mentioned that the height of the proposed building is slightly greater than 25 feet, with a three-foot parapet, adding that similar types of buildings, including the Social Security Office, the new library, and the U.S. Bank Building, are within a three-block radius. Concluding, he mentioned that staff recommends approval, subject to certain conditions, and offered to respond to any questions or comments at this time.

APPLICANT:

TOM DAVIS, discussed his intent to construct the proposed building, half of which he intends to inhabit himself, and expressed his appreciation of the assistance received from staff. He described changes from the originally proposed green glazing, which he indicated would have a garish effect, to bronze for the doors and windows. He provided a sample of the bronze proposed for this project and samples of what he described as a newer generation of bricks, which he would like to substitute in place of his original proposal. Concluding, he expressed his agreement with staff's Conditions of Approval, and offered to respond to any questions or comments.

Chairman Lemon referred to the bronze reflective solar glass, pointing out that the sun coming in from the northwest could create a reflection that might cause a problem on the street.

Mr. Davis advised Chairman Lemon that his staff, most of whom are women, had requested this shaded glass to protect their privacy from people on the street. Pointing out that he does not want to create an unsafe condition, he would like to include this as an alternative. He requested to amend his application to provide that either the solar reflective bronze or the tinted solar bronze be allowed, adding that this particular glass is treated in such a way as to resist the glare.

Mr. Edberg questioned whether the proposal includes storm water quality or detention facilities or if the applicant is electing to pay the in lieu of fee.

Mr. Davis advised Mr. Edberg that a storm water quality detention facility is already on the site, indicating the location on the map where an additional facility is planned near the Planned Parenthood site.

PUBLIC TESTIMONY:

On question, no member of the public appeared to testify regarding this application.

The public portion of the Public Hearing was closed.

Mr. Straus **MOVED** and Mr. Beighley **SECONDED** a motion to approve BDR 2000-0090 -- Davis Office Building Type 3 Design Review, based upon the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated January 11, 2001, including Conditions of Approval Nos. 1 – 20, with substitute color and material exhibits as presented by the applicant during testimony.

Motion **CARRIED**, unanimously.

7:40 p.m. to 7:45 p.m. – break.

B. BDR 2000-0170 -- SEXTON CREST MULTI-FAMILY TOWNHOMES TYPE 3 DESIGN REVIEW

This land use application has been submitted for approval to construct 114 multi-family attached town homes and associated landscaping, street layout and lighting design, at the northwest corner of SW Maverick Terrace and SW Murray Boulevard. The development proposal is located on Assessor's Map 1S1-29AD, Tax Lots 200 and 301. The site is zoned Urban Standard Density (R-5) and is approximately 6.8 acres in size.

Mr. Osterberg presented the Staff Report, and discussed the location of this proposed development application, which he described as a portion of a previously approved Planned Unit Development (PUD). He mentioned the proposal for three clusters of residential units, observing that it meets all applicable criteria for approval. He discussed the decorative lighting fixtures, observing that they do not meet City standards for public streets. Concluding, he recommended approval of the application and offered to respond to any questions or comments.

APPLICANT:

FRED GAST, representing *Polygon Northwest*, described the applicant's approach to development and individual sites and efforts to work with everyone concerned, including the public.

MIKE MILLER, representing *MGH Associates*, provided visual illustrations, which Mr. Gast described, showing the interior design criteria and the external design criteria of the development. As a design-oriented land planner, he discussed how the appropriate design for this site had been determined. He mentioned that the 114 units are included in three clusters of 38 units each, observing that some variety has been incorporated within each cluster and building. He provided an illustration indicating an enlargement of the ponds, observing that the ponds would be very shallow and could be utilized as fields during certain times of the year. He described the cascading feature created by walls, which would have facing on them, emphasizing that these ponds would also serve to create an amenity at this site. Concluding, he mentioned that their engineer and geo-technical professionals are available and offered to respond to any questions or comments.

On question, Mr. Gast assured Chairman Lemon that the area is basically dry and that continuous water is not present on the site.

Chairman Lemon questioned the situation regarding the material in the quarry and the old landfill located on the site, and Mr. Gast advised him that no blasting, rock crushing or dynamic impaction is anticipated, adding that a series of rolling freeloads is planned in order to deal with the issue.

Ms. Crane questioned the status of the sidewalk leading to Murray Boulevard in conjunction with bus stop, and Mr. Gast informed her that there is actually a bus stop located south of Maverick Terrace, in conjunction with the Haggan Store.

On question, Mr. Gast advised Ms. Crane that the garbage situation would be internalized and that individual cans would be stored in individual garages.

Mr. Crane referred to the proposed color boards, which she described as being so similar that they appear not to match, rather than providing a variation. He was

advised by Mr. Gast that when actually installed, these particular colors have worked well in other developments.

On question, Ms. Prentice was informed that all surface water would be filtered through a retention pond and that this would involve the upper single-family homes as well.

Ms. Prentice questioned whether the water quality is tested prior to entering the sewer system.

Mr. Miller stated that a number of monitoring wells have been required by the Planning Commission.

Mr. Gast observed that while the monitoring wells are not actually related to water quality, the issue of water quality would be addressed.

At the request of Chairman Lemon, Mr. Miller clarified that water quality for each cluster would be handled in a vault, rather than through the storm retention facility.

Mr. Gast explained to Ms. Prentice that the function of the water quality vaults actually achieve a greater degree of water quality than those required by Unified Sewerage Agency (USA) or the City of Beaverton.

DAVID HUMBER, representing *MGH Associates*, described the water quality system, pointing out that the multi-family units are individually treated by water quality vaults, adding that each pod has its own individual vault that drops off into the main swale system, while the single-family individual residences, however, are being treated through bio-swales.

PUBLIC TESTIMONY:

SUSAN COOK, expressed her appreciation of the efforts of the members of the Board, observing that she has additional concerns since the approval of this proposal by the Planning Commission. She expressed concern with over 17,000 tons of dirt that the applicant had moved without a permit and an article in *The Valley Times*, regarding a letter from the Oregon Department of Environmental Quality (DEQ). She read a letter requesting that this application be denied, and particularly emphasized her concern with the risk associated with the issue of methane gas. Concluding, she offered to respond to any questions or comments.

CHARLES COOK, expressed his opinion that while the development itself, as proposed by *Polygon Northwest*, would be an asset to the community, he is still concerned with the lack of adequate information, particularly with respect to the issue of methane gas. Concluding, he offered to respond to any questions or comments.

DAN COCHORAN, expressed his concern with the proposal, emphasizing that the neighbors are getting the impression that they are being steam-rolled. Observing that numerous issues are involved, he agreed that the applicant is attempting to address many issues. He described a portion of the property as a minefield, emphasizing that flames have actually come out of the ground. He pointed out that this land has a reputation that has kept it from being developed for an extended period of time, adding that there are areas that everyone avoids. Referring to the limited egress to get out of the area in the event of an emergency, he suggested the possibility of developing the south side of the site.

Mr. Straus advised Mr. Cochoran that the development of Maverick Terrace would serve as the primary access to the site.

TODD LUE, Chairperson of Sexton Mountain Action Committee (SMAC), observed that they have been working with *Polygon Northwest* on what they feel is an acceptable product. Referring to the DEQ recommendation for the retention of an independent engineer, he emphasized that the applicant has agreed to absorb this cost.

Chairman Lemon questioned whether this had been brought up at the meetings with the NAC.

Mr. Lue advised Chairman Lemon that while there has been a great deal of discussion regarding this issue, he is very concerned that the City of Beaverton might not take necessary action to retain an independent engineer.

MARK HOLADY, representing Neighbors for Livability (NFL) and Chairperson for the Sexton Mountain NAC, emphasized that he does not support or oppose this particular application. He pointed out that he has experienced several concerns since the approval by the Planning Commission, particularly the construction of houses and townhomes over a landfill that generates methane gas. He suggested the implementation of a standard to provide a design that would prevent unnecessary accidents, requesting that a condition to address this situation be imposed or the application be denied.

MAURA MALONE, expressed her opinion that the City of Beaverton is making what she referred to as a chronically bad decision, suggesting that the Board study the material and play a more activist role. She referred to suggestions made by both DEQ and the applicant, particularly the suggestion to retain an independent engineer. She expressed her concern with the potential for methane gas, water quality, and the former asphalt batch plant, which she states had been sprayed with diesel fuel and now oozes like lava onto the ground. She questioned whether the petroleum levels are at inappropriate levels for the quality of water and mentioned iron oxides oozing onto 149th Avenue. She referred to goop from the site that had been provided to Mr. Osterberg, adding that he had not responded to her request to have the substance tested. Observing that she had personally had

the necessary testing done, she pointed out that the results had indicated that the material is consistent with a common landfill. Emphasizing that this information had been available to them in June 2000, she expressed her opinion that the members of the Board of Design Review neither reviews the information nor cares about this potentially dangerous situation.

Ms. Prentice referred to the report regarding the goop and questioned whether a copy is available.

Ms. Malone advised Ms. Prentice that she could provide her a copy of this report.

ANDREW RAPP, expressed his opinion that the application should be approved, but only under certain conditions, observing that too often with projects on this particular site, decisions of the Board of Design Review and the Planning Commission have been overruled. He pointed out that the best solution would be to make certain that the technical standards pertaining to hazardous conditions are met, which would require a study by an independent engineer prior to the movement of any dirt on the site. He described three examples of methane gas explosions, observing that as a former employee of Cobb Rock, he has information indicating that the landfill is actually 250 feet deep. He expressed concern with allowing this development without first taking adequate precautions.

REBUTTAL:

Mr. Gast observed that Susan Cook's comments regarding the movement of over 17,000 tons of dirt is not accurate. He pointed out that far less than 17,000 tons of dirt had been moved for the purpose of providing a further geo-technical analysis that did not require a permit. He mentioned that this same testimony had been heard during the Haggen application, at which time the applicant had taken action to address these concerns. Observing that there had been twenty different reports by professional engineering firms and scientists, he noted that none of which had said not to develop the property. He discussed problems with the information in the DEQ letter and *The Valley Times*, pointing out that neither had reviewed the material prior to writing their letter or article. He noted that Maverick Terrace would be developed, adding that this should address some of the concerns that had been expressed regarding circulation. Concluding, he emphasized the applicant's willingness to play an active role and take any necessary action to address issues of concern, including the methane gas, and offered to respond to any comments or questions.

On question, Mr. Gast advised Ms. Prentice that both USA and the City of Beaverton had been made aware of the dirt that had been moved within the site.

Mr. Miller noted that an erosion control permit had been filed with the City of Beaverton and that necessary erosion control measures have been taken.

On question, Mr. Gast explained the procedure for Ms. Prentice.

Mr. Straus suggested the possibility of an additional Condition of Approval as part of the deliberation to address the range of environmental concerns expressed, requesting clarification of whether all necessary information has been made available to make necessary conclusions.

Mr. Gast stated that the applicant has conducted a significant degree of investigation.

Mr. Straus questioned whether an adequate amount of investigation has been done to draw appropriate conclusions that will result in designing a methodology or a feature on the site to adequately address issues of concern.

SCOTT MILLS, representing *Geo Design*, observed that DEQ has no official jurisdiction on this site, adding that their letter had been merely a response to complaints from neighbors. He pointed out that DEQ has had recent concerns with an explosion on a site in Troutdale, emphasizing that the situation had been different. He described the material on the site as being some organic materials, consisting of mostly rock, soil, concrete, sod and wood, adding that this site involves mostly inert material.

Mr. Straus questioned the potential for any enforcement on the site by DEQ.

Mr. Mills advised Mr. Straus that it is his understanding that DEQ would not become involved unless it is demonstrated that methane gas is actually migrating off-site and affecting off-site properties or if other information indicates a risk to human health and the environment. He mentioned that the site has had over 200 explorations, including borings, cone penetrometers, monitoring wells and permanent methane gas probes that measure both levels and pressure.

Mr. Mills advised Ms. Prentice that this monitoring would occur even after construction, emphasizing that this ongoing monitoring is included within the requirements.

On question, Mr. Mills informed Mr. Straus and Chairman Lemon that the source of methane gas could be created by any material that decays within the ground.

On question, Mr. Gast assured Ms. Prentice that the applicant is willing to pay for the suggested independent study, adding that this is included within the Conditions of Approval adopted by the Planning Commission.

Mr. Miller pointed out that the City of Beaverton could not condition itself, adding that it is possible to retain an independent engineer if deemed necessary by the City Engineer. Emphasizing that this is not a Public Hearing regarding gas, he stated that the site would be developed and that the subdivision has been

approved. He mentioned that tonight's Public Hearing only involves the discussion of the appearance of the development and the townhomes.

Chairman Lemon expressed his agreement with comments of Mr. Miller and requested clarification of the offer by the applicant to pay for an independent engineer.

Mr. Gast assured Chairman Lemon that the applicant is willing to pay for an independent engineer and commented that he had not anticipated that it would take two years. He pointed out that the City of Beaverton had not indicated for certain whether or not they intend to hire this independent engineer.

On question, Mr. Mills advised Chairman Lemon that the applicant had conducted the necessary borings and soils tests and provided all available information, including information from the adjoining properties, to DEQ.

The public portion of the Public Hearing was closed.

On question, Mr. Osterberg advised Mr. Beighley that staff has reviewed the issues with Facilities Review in detail over the past year for a variety of applications proposed on the old Cobb Rock Quarry site. He clarified that this has resulted in the types of conditions that the Planning Commission considered for Sexton Crest at this site, adding that they address the applicable geo-technical and geo-environmental concerns.

Mr. Straus proposed a condition to discuss, specifically that the applicant shall monitor all sources of methane gas and develop a plan prior to the issuance of any building permit for mitigating any safety hazards discovered. Monitoring and mitigation shall be ongoing during and after construction until the quantity of methane observed is below an unsafe level for a continuous period of one year. The applicant must create a plan for how to handle monitoring and mitigation of methane gas. The monitoring and mitigation will not be done only at the time of construction, but for whatever period of time following completion of the project until the quantities of methane detected by the process remain below what is considered to be an unsafe level for a minimum period of one year.

Mr. Osterberg suggested that the Board might consider what the Planning Commission has already adopted to achieve this same goal, specifically the one-year monitoring requirement provided for in Condition of Approval No. 2.3, adding there should be a provision for reporting results to the City of Beaverton.

Ms. Crane expressed concern that this appears to be at the discretion of the City Engineer, and Mr. Osterberg observed that this provision is included in Condition of Approval No. 3.

Chairman Lemon commented that the Planning Commission's requirement does not indicate what is safe or what is unsafe, emphasizing that while the Board can add Conditions of Approval, they do not have the authority to override action taken by the Planning Commission.

Following a discussion, Mr. Osterberg expressed his opinion that the City Engineer should review the details in consultation with the proposed independent engineer.

Mr. Straus **MOVED** to approve BDR 2000-0170 -- Sexton Crest Multi-Family Town Homes Type 3 Design Review, based upon the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated January 4, 2001, including Conditions of Approval Nos 1 – 18, providing that the applicant pay for the suggested independent study, plus an additional Condition of Approval, as follows:

19. In addition to those conditions of approval by the Planning Commission for monitoring and mitigating methane gas on the site, the applicant shall submit to the City, prior to obtaining a Site Development Permit, a mitigation plan and monitoring plan for detecting and mitigating methane gas on the site.

Following a discussion, Mr. Straus **MOVED** to amend his motion, providing that Condition of Approval No. 19 be amended to include, as follows:

No building permits shall be issued until the mitigation and monitoring plan is approved by the city.

Mr. Edberg **SECONDED** the motion for the approval of BDR 2000-0170, as amended.

Motion **CARRIED**, unanimously.

MISCELLANEOUS BUSINESS:

On question, Mr. Osterberg advised Chairman Lemon that the copies of Resolution No. 79-2 from 1978, which include the By-Laws of the Board of Design Review, had been distributed for their review.

Chairman Lemon opened the nominations for Chairman and Vice-Chairman of the Board of Design Review for the year 2001.

Mr. Beighley nominated and Ms. Crane seconded the nomination of Mr. Lemon to serve as Chairman of the Board of Design Review for the year 2001.

Mr. Beighley **MOVED** and Ms. Crane **SECONDED** a motion that Mr. Lemon be nominated to serve as Chairman of the Board of Design Review for the year 2001.

Mr. Beighley **MOVED** and Mr. Edberg **SECONDED** a motion that Mr. Straus be nominated to serve as Vice-Chairman of the Board of Design Review for the year 2001.

On question, no other nominations were submitted.

The nominations were closed and the nominees were elected by acclamation.

The meeting adjourned at 9:53 p.m.